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10 the proposed Class
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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 LISETH AGUIRRE, on behalf of
15 herself and others similarly situated,

16 Plaintiff,

17 v.

18 MONARCH HEALTHCARE, A
19 MEDICAL GROUP, INC.,

20 Defendant.

Civil Case No.: 5:25-cv-01161-JGB-SP

AMENDED CLASS ACTION
COMPLAINT FOR VIOLATIONS OF
THE TELEPHONE CONSUMER
PROTECTION ACT [47 U.S.C.
§227(b)(1)(A)(iii)]

JURY TRIAL DEMANDED

22
23 Liseth Aguirre (“Plaintiff”) brings this class action against Monarch
24 Healthcare, A Medical Group, Inc. (“Defendant”) under the Telephone
25 Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

26 **Jurisdiction and Venue**

27 1. This Court has subject matter jurisdiction under 47 U.S.C. §
28 227(b)(3) and 28 U.S.C. § 1331.

2. Venue is proper before this Court pursuant to 28 U.S.C. § 1331(b)

as Defendant has its principal place of business in this district, and as a substantial portion of the events giving rise to this action occurred in this district.

3. For example, Defendant directed artificial or prerecorded voice messages to Plaintiff's cellular telephone in this district, and Plaintiff received Defendant's artificial or prerecorded voice messages in this district.

Parties

4. Plaintiff is a natural person who at all relevant times resided in San Bernardino County, California.

5. Plaintiff is, and at all relevant times was, a “person” as defined by 47 U.S.C. § 153(39).

6. Defendant is a California Corporation with its principal place of business in Los Angeles County, California.

7. Defendant is, and at all relevant times was, a “person” as defined by 47 U.S.C. § 153(39).

Factual Allegations

8. Plaintiff was, since before March 2024 and throughout the time of the calls at issue, the subscriber to, and sole regular and customary user of, her cellular telephone number—(951) XXX-3726.

9. As early as March 2024, Defendant began placing calls, or causing calls to be placed, to telephone number (951) XXX-3726.

10. Defendant placed, or caused to be placed, calls to telephone number (951) XXX-3726 intending to reach someone other than Plaintiff.

11. Defendant used an artificial or prerecorded voice in connection with the calls it placed, or caused to be placed, to telephone number (951) XXX-3726.

1 12. For example, on March 11, 2024, Defendant placed, or caused to be
2 placed, a call to telephone number (951) XXX-3726 and delivered the following
3 artificial or prerecorded voice message:

4 Hello, this is Optum calling for James Duran. We were calling to
5 share information about an approved authorization. Please call us back
6 any time twenty-four hours a day, seven days a week toll free at 1-
7 844-306-3237. Again, the number is 1-844-306-3237. TTY users
8 should call 800-735-2922. Thank you and have a good day. Goodbye.

9 13. Later on March 11, 2024, Defendant placed, or caused to be placed,
10 a second call to telephone number (951) XXX-3726 and delivered the following
11 artificial or prerecorded voice message:

12 Hello, this is Optum calling for James Duran. We were trying to reach
13 you to share some important information. Please call us back any time
14 twenty-four hours a day, seven days a week toll free at 1-844-306-
15 3237. Again, the number is 1-844-306-3237. TTY users should call
16 800-735-2922. Thank you and have a good day. Goodbye.

17 14. On March 12, 2024, Defendant placed, or caused to be placed,
18 another call to telephone number (951) XXX-3726 and delivered the following
19 artificial or prerecorded voice message:

20 Hello, this is Optum calling for James Duran. We were trying to reach
21 you again to share some important information about a request your
22 doctor made. Please call us back any time twenty-four hours a day,
23 seven days a week toll free at 1-844-306-3237. Again, the number is
24 1-844-306-3237. TTY users should call 800-735-2922. Thank you and
25 have a good day. Goodbye.

26 15. On July 31, 2024, Defendant placed, or caused to be placed,
27 another call to telephone number (951) XXX-3726 and delivered the following
28 artificial or prerecorded voice message:

 Hello, this is Optum calling for James Duran. We were calling to
share information about an approved authorization. Please call us back
any time twenty-four hours a day, seven days a week toll free at 1-

1 844-306-3237. Again, the number is 1-844-306-3237. TTY users
2 should call 800-735-2922. Thank you and have a good day. Goodbye.

3 16. Defendant then placed, or caused to be placed, a second call to
4 telephone number (951) XXX-3726 on July 31, 2024, and delivered the
5 following artificial or prerecorded voice message:

6 Hello, this is Optum calling for James Duran. We were trying to reach
7 you to share some important information. Please call us back any time
8 twenty-four hours a day, seven days a week toll free at 1-844-306-
9 3237. Again, the number is 1-844-306-3237. TTY users should call
10 800-735-2922. Thank you and have a good day. Goodbye.

11 17. On August 1, 2024, Defendant placed, or caused to be placed,
12 another call to telephone number (951) XXX-3726 and delivered the following
13 artificial or prerecorded voice message:

14 Hello, this is Optum calling for James Duran. We were trying to reach
15 you again to share some important information about a request your
16 doctor made. Please call us back any time twenty-four hours a day,
17 seven days a week toll free at 1-844-306-3237. Again, the number is
18 1-844-306-3237. TTY users should call 800-735-2922. Thank you and
19 have a good day. Goodbye.

20 18. On August 6, 2024, Defendant placed, or caused to be placed,
21 another call to telephone number (951) XXX-3726 and delivered the following
22 artificial or prerecorded voice message:

23 Hello, this is Optum calling for Jonathan Duran. We were calling to
24 share information about an approved authorization. Please call us back
25 any time twenty-four hours a day, seven days a week toll free at 1-
26 844-306-3237. Again, the number is 1-844-306-3237. TTY users
27 should call 800-735-2922. Thank you and have a good day. Goodbye.

28 19. Defendant's voice messages were generic and similar.

20. Given the generic nature of the messages, the content of the
21 messages, and that the messages were similar in tone, voice, content, and style,

1 the messages Defendant delivered, or caused to be delivered, to telephone
2 number (951) XXX-3726 were artificial or prerecorded in nature.

3 21. Plaintiff listened to each of the above-referenced artificial or
4 prerecorded voice messages Defendant delivered, or caused to be delivered, to
5 her cellular telephone number.

6 22. Defendant placed, or caused to be placed, the subject calls to
7 telephone number (951) XXX-3726 in an effort to reach James Duran or
8 Jonathan Duran.

9 23. Upon information and good faith belief, the subject artificial or
10 prerecorded voice calls to Plaintiff's telephone number were placed by Cotiviti,
11 Inc. ("Cotiviti") at the direction of Defendant.

12 24. Upon information and good faith belief, Defendant has a
13 contractual relationship with Cotiviti that dictates the parameters of Cotiviti's
14 artificial and prerecorded voice calls on behalf of Defendant, including those to
15 telephone number (951) XXX-3726.

16 25. Upon information and good faith belief, Defendant provided
17 Cotiviti with telephone numbers to call on its behalf using an artificial or
18 prerecorded voice, including (951) XXX-3726.

19 26. Plaintiff is not James Duran.

20 27. Plaintiff is not Jonathan Duran.

21 28. Plaintiff does not know James Duran.

22 29. Plaintiff does not know Jonathan Duran.

23 30. Plaintiff is not, nor was, a customer of Defendant.

24 31. Plaintiff does not, nor did, have an insurance plan or account with
25 Defendant.

26 32. Plaintiff did not provide telephone number (951) XXX-3726 to
27 Defendant.

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1 33. Plaintiff did not provide Defendant with consent to place calls, in
2 connection with which it used an artificial or prerecorded voice, to telephone
3 number (951) XXX-3726.

4 34. Plaintiff did not provide Defendant with consent to place calls, in
5 connection with which it used an artificial or prerecorded voice, to telephone
6 number (951) XXX-3726 intended for a third-party unknown to Plaintiff.

7 35. Defendant placed, or caused to be placed, the subject calls to
8 telephone number (951) XXX-3726 voluntarily.

9 36. Defendant placed, or caused to be placed, the subject calls to
10 telephone number (951) XXX-3726 under its own free will.

11 37. Defendant placed, or caused to be placed, the subject calls to
12 telephone number (951) XXX-3726 for non-emergency purposes, as indicated
13 by the content of the messages.

14 38. None of Defendant's above-described artificial or prerecorded
15 voice messages to telephone number (951) XXX-3726 advised Plaintiff that they
16 were exigent in nature or otherwise required the recipient's immediate attention.

17 39. None of Defendant's above-described artificial or prerecorded
18 voice messages to telephone number (951) XXX-3726 contained medical lab
19 results.

20 40. None of Defendant's above-described artificial or prerecorded
21 voice messages to telephone number (951) XXX-3726 contained hospital pre-
22 registration or pre-operative instructions.

23 41. None of Defendant's above-described artificial or prerecorded
24 voice messages to telephone number (951) XXX-3726 contained hospital post-
25 discharge follow-ups or other matters intended to prevent readmission.

26 42. None of Defendant's above-described artificial or prerecorded
27 voice messages to telephone number (951) XXX-3726 contained prescription
28 notifications.

1 43. None of Defendant's above-described artificial or prerecorded
2 voice messages to telephone number (951) XXX-3726 contained home
3 healthcare instructions.

4 44. None of Defendant's above-described artificial or prerecorded
5 voice messages to telephone number (951) XXX-3726 indicated that there was
6 any significant risk to Plaintiff's health or safety.

7 45. None of Defendant's above-described artificial or prerecorded
8 voice messages to telephone number (951) XXX-3726 provided instructions for,
9 or the means for, opting out of future calls or artificial or prerecorded voice
10 messages.

11 46. Plaintiff does not have, and never had, any relationship with
12 Defendant whereby Defendant would have a reason to contact Plaintiff in
13 emergency or exigent circumstances.

14 47. Defendant's above-described artificial or prerecorded voice
15 messages to telephone number (951) XXX-3726 occurred over at least five
16 months which evidences that there was no emergent nature to the messages.

17 48. Defendant's records, or Cotiviti's records, will identify each call it
18 placed, or caused to be placed, to telephone number (951) XXX-3726.

19 49. Defendant's records, or Cotiviti's records, will identify each
20 artificial or prerecorded voice message it played or delivered, or caused to be
21 played or delivered, or attempted to play or deliver, or caused to be attempted to
22 be played or delivered, to telephone number (951) XXX-3726.

23 50. Defendant had knowledge that Cotiviti was using an artificial or
24 prerecorded voice in connection with the subject calls it placed, or caused to be
25 placed, to telephone number (951) XXX-3726.

26 51. Plaintiff suffered actual harm as a result Defendant's subject calls,
27 in connection with which it used, or caused to be used, an artificial or

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1 prerecorded voice, in that she suffered an invasion of privacy, an intrusion into
2 her life, and a private nuisance.

3 52. Plaintiff found the artificial or prerecorded voicemail messages to
4 be irritating and invasive.

5 53. Upon information and good faith belief, Defendant, as a matter of
6 pattern and practice, uses an artificial or prerecorded voice in connection with
7 calls it places, or causes to be placed, to telephone numbers assigned to a
8 cellular telephone service, absent prior express consent.

9 **Class Action Allegations**

10 54. Plaintiff brings this action under Federal Rule of Civil Procedure
11 23, and as a representative of the following class:

12 All persons throughout the United States (1) to whom Monarch
13 Healthcare, A Medical Group, Inc. placed, or caused to be placed, a
14 call, (2) directed to a number assigned to a cellular telephone service,
15 but not assigned to a person who has or had an account or health plan
16 with Monarch Healthcare, A Medical Group, Inc., (3) in connection
17 with which Monarch Healthcare, A Medical Group, Inc. used an
artificial or prerecorded voice, (4) from four years prior to the filing of
this complaint through the date of class certification.

18 55. Excluded from the class are Defendant, Defendant's officers and
19 directors, members of their immediate families and their legal representatives,
20 heirs, successors, or assigns, and any entity in which Defendant has or had a
21 controlling interest.

22 56. Upon information and belief, the members of the class are so
23 numerous that joinder of all of them is impracticable.

24 57. The exact number of the members of the class is unknown to
25 Plaintiff at this time and can be determined only through appropriate discovery.

26 58. The class is ascertainable because it is defined by reference to
27 objective criteria.

28 59. In addition, the members of the class are identifiable in that, upon

1 information and belief, their telephone numbers, names, and addresses can be
2 identified in business records maintained by Defendant and by third parties.

3 60. Plaintiff's claims are typical of the claims of the members of the
4 class.

5 61. As it did for all members of the class, Defendant placed calls to
6 Plaintiff's cellular telephone number in connection with which it used an
7 artificial or prerecorded voice.

8 62. Plaintiff's claims, and the claims of the members of the class,
9 originate from the same conduct, practice, and procedure on the part of
10 Defendant.

11 63. Plaintiff's claims are based on the same theories as the claims of
12 the members of the class.

13 64. Plaintiff suffered the same injuries as the members of the class.

14 65. Plaintiff will fairly and adequately protect the interests of the
15 members of the class.

16 66. Plaintiff's interests in this matter are not directly or irrevocably
17 antagonistic to the interests of the members of the class.

18 67. Plaintiff will vigorously pursue the claims of the members of the
19 class.

20 68. Plaintiff has retained counsel experienced and competent in class
21 action litigation.

22 69. Plaintiff's counsel will vigorously pursue this matter.

23 70. Plaintiff's counsel will assert, protect, and otherwise represent the
24 members of the class.

25 71. The questions of law and fact common to the members of the class
26 predominate over questions that may affect individual members of the class.

27 72. Issues of law and fact common to all members of the class are:

28 a. Defendant's violations of the TCPA;

- 1 b. Defendant's conduct, pattern, and practice as it pertains to dialing
- 2 wrong or reassigned cellular telephone numbers;
- 3 c. Defendant's conduct, pattern, and practice as it pertains to placing
- 4 calls with an artificial or prerecorded voice to wrong or reassigned
- 5 cellular telephone numbers;
- 6 d. Defendant's use of an artificial or prerecorded voice; and
- 7 e. The availability of statutory penalties.

8 73. A class action is superior to all other available methods for the fair
9 and efficient adjudication of this matter.

10 74. If brought and prosecuted individually, the claims of the members
11 of the class would require proof of the same material and substantive facts.

12 75. The pursuit of separate actions by individual members of the class
13 would, as a practical matter, be dispositive of the interests of other members of
14 the class, and could substantially impair or impede their ability to protect their
15 interests.

16 76. The pursuit of separate actions by individual members of the class
17 could create a risk of inconsistent or varying adjudications, which might
18 establish incompatible standards of conduct for Defendant.

19 77. These varying adjudications and incompatible standards of conduct,
20 in connection with presentation of the same essential facts, proof, and legal
21 theories, could also create and allow the existence of inconsistent and
22 incompatible rights within the class.

23 78. The damages suffered by individual members of the class may be
24 relatively small, thus, the expense and burden to litigate each of their claims
25 individually make it difficult for the members of the class to redress the wrongs
26 done to them.

27 79. The pursuit of Plaintiff's claims, and the claims of the members of
28 the class, in one forum will achieve efficiency and promote judicial economy.

80. There will be little difficulty in the management of this action as a class action.

81. Defendant has acted or refused to act on grounds generally applicable to the members of the class, making final declaratory or injunctive relief appropriate.

Count I

Violation of 47 U.S.C. § 227(b)(1)(A)(iii)

82. Plaintiff repeats and re-alleges each and every factual allegation contained in paragraphs 1-81.

83. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by using an artificial or prerecorded voice in connection with calls it placed, or caused to be placed, to Plaintiff's cellular telephone number and the cellular telephone numbers of the members of the class, without consent.

84. Defendant is vicariously liable under 47 U.S.C. § 227(b)(1)(A)(iii) for directing, approving, or ratifying Cotiviti's use of an artificial or prerecorded voice in connection with calls Cotiviti placed on Defendant's behalf to Plaintiff's cellular telephone number, and to the cellular telephone numbers of the members of the class, without consent.

85. Given, among other things, the content of Cotiviti's artificial or prerecorded voice messages directed to Plaintiff's cellular telephone number on behalf of Defendant, the purpose of the calls, and the relationship between Defendant and Cotiviti, Cotiviti acted with Defendant's actual or apparent authority in placing the subject telephone calls to Plaintiff's cellular telephone number and to the cellular telephone numbers of the members of the class.

86. Alternatively, given, among other things, the content of Cotiviti's artificial or prerecorded voice messages directed to Plaintiff's cellular telephone number on behalf of Defendant, the purpose of the calls, and the relationship between Defendant and Cotiviti, Defendant ratified Cotiviti's subject telephone

1 calls to Plaintiff's cellular telephone number and to the cellular telephone
2 numbers of the members of the class.

3 87. As a result of Defendant's violations of 47 U.S.C. §
4 227(b)(1)(A)(iii), Plaintiff and the members of the class are entitled to damages
5 in an amount to be proven at trial.

Prayer for Relief

7 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Determining that this action is a proper class action;
 - b) Designating Plaintiff as a representative of the class under Federal Rule of Civil Procedure 23;
 - c) Designating Plaintiff's counsel as counsel for the class under Federal Rule of Civil Procedure 23;
 - d) Adjudging and declaring that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
 - e) Awarding Plaintiff and the members of the class damages under 47 U.S.C. § 227(b)(3)(B);
 - f) Awarding Plaintiff and the class reasonable attorneys' fees, costs, and expenses under Rule 23 of the Federal Rules of Civil Procedure;
 - g) Awarding Plaintiff and the members of the class any pre-judgment and post-judgment interest as may be allowed under the law; and
 - h) Awarding such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all triable issues.

1 Date: July 17, 2025

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